

REMARKS

This is in response to the Official Action dated April 24, 2003, in which claims 1-19 were rejected.

Claims 1, 2, 6 and 11 are hereby cancelled.

In the Official Action, the Examiner rejected claims 1-19 under 35 U.S.C. §112, stating that the claims "tend to be vague expressions of desired results", Official Action page 4, lines 4-5. This is simply not the case. Independent claims 2 and 11, and thus their dependent claims 3-10 and 12-19, all clearly and distinctly point out the Applicants' invention and are fully supported by the specification.

As pointed out by the Examiner, in order to be rejected under 35 U.S.C. §112, the disclosure or claims must fail to point out the invention, must have vague lexicography, must discuss prior art without really setting forth an enabling disclosure, or must have claims based on a vague, incomplete disclosure. Here, the invention is clearly described by the claims and the specification using lexicography well known in the art. Moreover the disclosure is enabling, not vague or incomplete. The Examiner has suggested that "read[ing] each claim term by term on the drawing" would serve to obviate this rejection. The Applicants list herein independent claims 2 and 11 with reference numerals the exemplary embodiment from Figures 1, 2 and 3 of the present application added in []:

2. A scanner, comprising:

(a) a plurality of input channels, each said input channel including a photodetector [12a-12d], each such channel providing an data elements representing light impinging on the photodetector of such channel;

(b) means for exposing [10a-10d, 11] the photodetectors [12a-12d] of said channels to light from objects to be scanned so that the light impinging on the photodetector of each channel represents an optical property of objects to be scanned at a series of points along a scanning path [50a-50d] associated with such channel;

(c) data stream means [22] for accepting data elements from each channel and outputting a stream of data elements including data

- elements from said plurality of channels;
and
(d) a decoder [24] operative to examine said stream of data elements and recover information denoted by the data elements in said stream.

11. A method of scanning objects bearing codes comprising:

- (a) exposing a plurality of photodetectors [12a-12d], each associated with a separate input channel, to light from objects [54, 52] to be scanned so that the light impinging on each photodetector [12a-12d] represents an optical property of objects to be scanned [54, 52] at a series of points along a scanning path [50a-50d] associated with such photodetector [12a-12d];
- (b) operating each such input channel to provides data elements representing light impinging on the photodetector [12a-12d] of such channel;
- (c) forming a stream of said data elements [80] including data elements from a plurality of said channels [82a-82d]; and
- (d) examining said stream of data elements [80] in a decoder [24] and recovering information denoted by the data elements [82a-82d] in said stream of data elements [80].

These claims with exemplary drawing reference numerals clarify that the claims are in fact fully supported by at least one embodiment in the drawings and the specification. Of course, presentation of such reference numerals should not be taken as an indication that this embodiment, or the enumerated elements, are the exclusive embodiment, or that the claims are limited to such embodiment. The Examiner's rejection of these claims and their dependent claims under 35 U.S.C. §112 is believed to be improper and should be withdrawn. An interview at which the Applicants can point out the invention and functioning of claim features to the Examiner may be helpful at this time.

The Examiner also rejected claims 1-19 under 35 U.S.C. §102 and 35 U.S.C. §103, stating that they lack novelty in view of

"multiple" references cited in the PCT search report. The "multiple" references cited in the PCT search report consist of EP 527,267 to Barkan et al. and U.S. Patent No. 5,925,869 to Still et al. Rather than pointing out specific reasons for rejecting these claims, the Examiner suggests that the Applicants should "[c]ompare claims with this prior art and point out novelty", Official Action, page 4, lines 7-8. Applicants note that this is not proper notice under 35 U.S.C. §132 and 37 C.F.R. §1.104. Nevertheless, Applicants have carefully considered the rejections and have amended the claims in response to them.

Barkan et al. concerns a wand or scanner for reading optically coded information, including a decoder 47 (Figs. 4-6) that receives two separate streams of input data. If either single stream provides a successful decode, the streams are never merged. If there are errors in both streams, the microprocessor decoder itself detects the error and combines acceptable data from each stream. See Barkan et al. Figs. 16-17; particularly, col. 20, lines 9-30. Thus, Barkan et al. does not disclose the data stream means for outputting "a stream of data elements including data elements from said plurality of channels", as in independent claim 2 of the present invention, nor does it disclose a decoder operative to examine "said stream of data elements", as in independent claim 11 of the present invention. Independent claims 2, and 11, and thus their dependent claims 3-10 and 12-19 of present invention are thereby clearly distinguishable over Barkan et al.

Still et al. is directed to a bar code processor with multiple inputs and a single decoder. It includes multiple bar code data sources linked to a common OR gate (Still et al., item 18 in Fig. 1) through individual pulse generators (Still et al., items 12, 14 in Fig. 1, items 30, 32 in Fig. 2), so that any data stream, regardless of whether it is logically low or logically high absent scanned data, will produce a series of transitions at an input to the OR gate. Thus, when a data stream is presented at any one of the data sources, the OR gate will yield a series of transitions representing the data in the input data stream. If multiple bar codes are read one after

the other so as to generate multiple sequences of digital data on the various input lines in sequence, the combined output from the OR gate will include the digital data from all sources in sequence. *Still et al.*, Fig. 1; Fig. 3(e). *Still et al.* acts to combine data by providing a change in polarity, it does not detect signal transition. It thus serves to rectify bar code signal data, so that "defaulting high and defaulting low bar code data streams" are processed "in such a way that one of the data streams is preserved and the other of the data stream defaults, is, in effect, converted to the default condition of the other stream", *Still et al.*, column 1, lines 53-59.

Claims 7 and 15 of the present invention include "denoting the duration of an interval between successive transitions", thereby providing a way to handle multiple channels where the data on each channel consists of transition data rather than a series of raw digitized bar code data. See specification, page 5, lines 14-30. This distinguishes claims 7 and 15 over *Still et al.* Claims 7 and 15 are herein amended to be in independent form. Claims 2, 6 and 11 are cancelled. Dependent claims 3, 4, 5 and 9 are amended to depend from claim 7. Dependent claims 12 and 18 are amended to depend from claim 15.

Claims 10 and 19 of the present invention include "a partially-active channel having active and inactive intervals", in which "at least a part of each said inactive interval do[es] not represent meaningful data". See specification, page 5, lines 14-30. These claims provide a way for handling simultaneously-arriving multiple channel data wherein part of the data includes inactive intervals, which is not disclosed in *Stills et al.* Claims 10 and 19 have also been amended herein to stand in independent form, and are believed to be in condition for immediate allowance.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully

Application No.: 10/018,622

Docket No.: METLOG 3.3-005

requested that he/she telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: August 25, 2003

Respectfully submitted,

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